Carter
A Joint Honor Council/Administrative Panel Abstract


Background: Susan and Carrie contacted the Honor Council Chair regarding a possible violation of the Honor Code on the part of Carter, whom they alleged had engaged in sexual misconduct. The three had tried to resolve the problem through mediation, however, mediation had broken down and Susan and Carrie brought the case to Honor Council. Honor Council met and reached consensus to send the case to a Joint Panel, consisting of two deans and four members of Honor Council.

The Panel:
Susan and Carrie started by reading their written statement: Very early one morning, Susan—a resident of Goodwin House—awoke to find Carter, one of her housemates, in her bed with only a T-shirt on, holding her hand on his penis. Susan jumped out of bed and woke up her roommate, Carrie, to help her make him leave. With Carrie's help, Carter returned downstairs to his room in Goodwin. Susan was unable to sleep or return to her own bed after that, and so she rested with Carrie for a while and then sat awake until morning.

The next day, Susan wrote Carter a note saying that she wanted to talk to him. Later that day, Susan and Carter discussed the incident. Although Carter had no memory of what had happened, Carrie had filled him in on most of the details. In their discussions, Susan and Carter, and Carrie were not able to reach a resolution which enabled them to feel comfortable with each other. They reached a tentative agreement that Carter would moderate his drinking, but this agreement soon broke down after Carter threw a small alcoholic party in his room in Goodwin.

It was at this time that Susan and Carrie decided to ask Carter to go to mediation. (Carrie was a part of the mediation because she also felt violated, although not in the same way as Susan.) Although both parties participated fully in the mediation, Susan and Carrie felt that it was not a satisfactory resolution to the incident because the agreements reached were not binding, and because Carter seemed unwilling to comply with certain requests that they felt were necessary for their personal safety and comfort in the house. Carrie and Carter had other discussions outside of structured channels to attempt to resolve miscommunications in the mediation process. These attempts were partially although not fully successful.

Carter's Statement: On the night in question, Carter had been drinking and smoking pot. He did not remember the incident when he woke up the next morning. He found the note which Susan had written to him and talked with Susan. He felt he had not been conscious of his actions and would not have done what he did if he had been conscious. Carter apologized to Susan. Later, Susan and Carrie asked him to go to mediation, to which he agreed. However, he felt that he could not agree to some of the resolutions which the women requested.
The Panel's Questions: The Panel asked Susan and Carrie if Carter had seemed conscious of his actions that night. They said that he had seemed confused, asking them where he was, what was happening, and where his pants were. He was not at all hostile.

The Panel also asked how Carter had gotten into the room, and the women answered that they had not locked their door because they lived in a house in which they knew and trusted the other residents.

Next the Panel asked how this incident had affected Carrie and Susan. Susan answered that she was very insecure in their room, in their house, and on the campus in general and that she always locked their door after the incident. She also had nightmares after the incident. Carrie said that she felt the same fear and needed to take more precautions to feel safe. Susan said that she and Carrie did not have hostile feelings towards Carter but were very uncomfortable when he was around.

Susan and Carrie explained why they had come to Honor Council after the mediation. Susan explained that her feelings had changed since her initial conversation with Carter the morning after the incident, for a number of reasons. Originally, she thought Carter would not drink because he was afraid of what had happened when he was drunk. Since then, however, they had seen Carter drunk several times. Susan and Carrie decided to bring the case to Honor Council because they felt that they needed something to back up the resolutions they had reached through mediation. Moreover, Susan and Carrie had felt during mediation that Carter did not care enough to let the resolutions really affect his life, while Susan and Carrie felt they had not had a choice but to have the incident affect their lives afterwards.

Deliberations: Since the testimony of all parties agreed on what had happened on the night in question, the Panel agreed that a violation of the Honor Code had taken place. In addition, the Panel felt that alcohol and drug use could not be used as an excuse for Carter's unacceptable and traumatizing behavior towards Susan. The Panel felt that the fact that Carter entered the women's room without permission at night when they were sleeping was also a serious invasion of their privacy. The Panel reached consensus on the following statement of violation:

Carter violated the Honor Code through sexual misconduct in his actions towards Susan. The panel further believes that he invaded the privacy of both women by entering their room without permission in the early morning while they were asleep.

The parties accepted the statement of violation.

Resolutions: The Panel had asked for suggestions for resolutions from Susan, Carrie and Carter. Carter said he would go to alcohol-treatment meetings, drink in moderation and not mix substances. In addition, he expected to continue with the counseling he had started after this incident. Carrie and Susan felt that Carter should abstain from drinking for the remainder of the year, abstain from other substances, and look at his living situation for the next semester to make sure that
stated that she and Carrie were interested in resolutions dealing more with the alcohol abuse because she did not feel that this was as much a case of sexual assault on Carter's part. Carrie and Susan were asked how they stood on the issue of separation and Susan answered that they wanted the resolutions to be positive for both parties and separation would not benefit either party. They were more interested in Carter's long-term well-being.

Keeping in mind the resolutions suggested by both Carter and Susan and Carrie, the Panel discussed what they wanted to come out of the trial. The Panel agreed that it was important to address the issue of Carter's use of alcohol, feeling that this was a serious problem for him. Also, they agreed that it seemed that Carter was not fully aware of the seriousness of his actions and hoped that he could gain a better understanding of the ways in which his actions had been (and continue to be) traumatic for the women. The Panel wanted to address the safety of the community, and discussed how best to do this. The Panel felt that Carter was not a serious threat to the community, but wanted to take steps to ensure this. The Panel reached consensus on the following resolutions:

1) [Carter was presented with two housing options which the panel felt reduced the chance of a similar event occurring in the future and provided an environment with minimal obstacles to his recovery.]
2) Carter will attend meetings of AA or another group alcohol treatment program weekly for the upcoming academic year. After that time, he may discuss with his dean the appropriateness of continuing attendance.
3) The Panel recommends that Carter continue to attend psychological counseling as long as he feels it is helpful.
4) Carter will meet weekly with his dean to check in with regard to the above resolutions. The Panel requests that he have a conversation with his dean to address these issues: When and where does he drink? Why and how much does he drink? Are these habits detrimental in any way to himself or others?
5) Carter will speak with the Haverford pre-law advisor regarding the legal implications of the incident (why this constitutes a serious offense, what could happen in the criminal justice system, etc.).
6) The Panel will select a piece of writing dealing with issues related to this incident. Carter will read this selection and write a letter to the Panel reflecting on the selection and the incident. The letter will be shared in full or in summary with the confronting parties, as decided by the Panel.
7) The Panel expects that Carter will, in the future, carefully consider how his actions affect others and refrain from behavior which is perceived as inappropriate or threatening. A letter including these resolutions will be kept on file in the Dean's office until Carter graduates. Should he be found to have engaged in similar behavior in the future, the facts of his being brought before a Joint Panel for inappropriate behavior will be made known and factored into whatever resolutions are suggested at that time.

These resolutions were presented to both parties.
Questions:
1. The Panel made many resolutions in this process. Do you think all of these resolutions were necessary? Why or why not?

2. Do you think that all issues were dealt with in the resolutions? If not, how could they have been better dealt with?

3. How should the use/abuse of alcohol and drugs be treated in Honor Council cases?

4. Susan and Carrie's wish not to have Carter separated was a strong factor in the Panel's decision. Should it have been? Should the confronting parties' wishes carry weight when decisions are made which may possibly affect the safety of the community?